

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Citimortgage, Inc.,	:	Case No. 3:07CV892
Plaintiff,	:	
v.	:	AMENDED
	:	<u>REPORT AND RECOMMENDATION</u>
Mary T. Harrell, et al.,	:	
Defendants.	:	

The undersigned hereby amends, by interlineation, the Report and Recommendation filed on October 5, 2007 (Docket No. 29) as follows:

Paragraph Five on Page 2 is amended to state:

The undersigned further finds that the summons and complaint were properly served upon defendants; however, only the Lucas County Treasurer (Docket No. 7) **and James S. Nowak** (Docket No. 22) have filed answers or other responsive pleadings. Consequently, the Clerk has entered the default for each defendant other than the Lucas County Treasurer and **James S. Nowak**.

The remainder of the Report and Recommendation remains unchanged and the undersigned recommends that Plaintiff's amended motion for default judgment (Docket No. 27) be granted.

So ordered.

/s/ Vernelis K. Armstrong
U. S. Magistrate Judge

Dated: November 8, 2007

Notice

Please take notice that as of this date the Magistrate's Report and Recommendation attached hereto has been filed.

Please be advised that, pursuant to Rule 72.3(b) of the Local Rules for this district, the parties have ten (10) days after being served in which to file objections to said Report and Recommendation. A party desiring to respond to an objection must do so within ten (10) days after the objection has been served.

Please be further advised that the Sixth Circuit Court of Appeals, in *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981) held that failure to file a timely objection to a Magistrate's Report and Recommendation foreclosed appeal to the Court of Appeals. In *Thomas v. Arn*, 106 S.Ct. 466 (1985), the Supreme Court upheld that authority of the Court of Appeals to condition the right of appeal on the filing of timely objections to a Report and Recommendation.